

1 PHILLIP A. TALBERT
United States Attorney
2 JUSTIN J. GILIO
Assistant United States Attorneys
3 2500 Tulare Street, Suite 4401
Fresno, California 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099
5
Attorneys for Plaintiff
6 United States of America

7 IN THE UNITED STATES DISTRICT COURT

8 EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

CASE NO. 1:21-CR-00179-JLT-SKO

11 STIPULATION TO CONTINUE

12 v.

13 CARLOS EFRAIN PEREZ

14 Defendant.
15

16 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
17 through defendant's counsel of record, hereby stipulate as follows:

- 18 1. By previous order, this matter was set for a status conference regarding the mental competency
of the defendant on August 19, 2022.
- 19 2. On June 23, 2022, Defendant was transported to The Federal Medical Center, Devens to undergo
a forensic evaluation pursuant to the court's order dates February 11, 2022.
- 20 3. On July 25, 2022, the court forwarded to the parties a letter from Warden Boncher of The
Federal Medical Center, Devens indicating that the study on Defendant is expected to be
21 completed on November 4, 2022, and that Defendant will then be transported back to the Eastern
22 District of California and the court will receive a final copy of the forensic evaluation within four
23 weeks of that date.
- 24 4. Based on all the above, the parties seek to continue the status conference regarding the mental
competency of the defendant until November 18, 2022, or the soonest available date thereafter.

- 1 5. The parties agree and stipulate, and request that the Court find the following:
- 2 a) The ends of justice served by continuing the case as requested outweigh the interest
3 of the public and the defendant in a trial within the original date prescribed by the
4 Speedy Trial Act.
- 5 b) Having found by a preponderance of the evidence that the defendant is presently
6 incompetent to stand trial, the Court ordered the defendant committed to the custody
7 of the Attorney General for a period of four months for treatment in a suitable facility,
8 pursuant to 18 U.S.C. § 4241(d).
- 9 c) The defendant's mental health status has not been resolved and the parties cannot
10 proceed to trial on the case until defendant's mental health status is resolved.
- 11 d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et
12 seq., within which trial must commence, the time period of August 19, 2022 to
13 November 18, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C.
14 § 3161(h)(4), for "delay resulting from the fact that the defendant is mentally
15 incompetent . . . to stand trial" and because good cause exists for the continuance of a
16 status conference, and time should be further excluded as the ends of justice outweigh
17 the interest of the public and the defendant in a speedy trial pursuant to 18 U.S.C. §
18 3161(h)(7)(A).
- 19 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy
20 Trial Act dictate that additional time periods are excludable from the period within which a trial
21 must commence.

22 IT IS SO STIPULATED.

23 Dated: August 12, 2022

PHILLIP A. TALBERT
United States Attorney

24 By: /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

1 Dated: June 22, 2022

/s/ DOUGLAS BEEVERS

2 Attorney for Defendant
3 CARLOS EFRAIN PEREZ

4 **O R D E R**

5 IT IS SO FOUND.
6 IT IS SO ORDERED.

7 Dated: August 15, 2022


8 Jennifer L. Thurston
9 UNITED STATES DISTRICT JUDGE